
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

DAVID KING, JR.,

§

Plaintiff,

§

versus

§

CIVIL ACTION NO. 9:23-CV-75

TEXAS DEP'T CRIM. JUST., *et al.*,

§

Defendants.

§

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff David King, Jr., a prisoner confined at the Wainwright Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff requested leave to proceed *in forma pauperis*.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying Plaintiff's motion for leave to proceed *in forma pauperis*.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). The magistrate judge's recommendation was based

on Plaintiff's statement, made under penalty of perjury, that he owns a United States bond valued at approximately \$100,000,000.00. In his objections, Plaintiff requests the Court to make arrangements for payment of the filing fee with the Secretary of Treasury. Plaintiff is responsible for making arrangements for paying the filing fee, not the Court. Therefore, after careful consideration of all the pleadings and the relevant case law, the Court concludes that Plaintiff's objections lack merit.

ORDER

Accordingly, Plaintiff's objections (#8) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#5) is **ADOPTED**. Plaintiff's motion for leave to proceed *in forma pauperis* (#2) is **DENIED**. Plaintiff shall pay the \$402.00 filing fee within thirty days of this order. Plaintiff's failure to pay the filing fee may result in this action being dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

SIGNED at Beaumont, Texas, this 30th day of June, 2023.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE